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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,623	03/08/2002	Taku Ishizawa	Q68827	9401

7590 11/14/2002
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EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,623	Applicant(s) ISHIZAWA ET AL.
	Examiner ANH VO	Art Unit 2861
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>amendment filed on 10/09/2002</u>		
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>24-31</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>24-31</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

FINAL REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-31 are rejected under 35 USC 103 (a) as being unpatentable over Barinaga (US Pat. 6,030,074) in view of Yoshizawa et al. (JP 08230204A), Wilson et al. (US Pat. 6,010,210) and Nakazawa et al. (EP Pat. 0928694).

Barinaga discloses in Figure 1 an apparatus for delivering pressurized ink to a print head comprising:

- the cartridge case (10, 19) is hermetically formed (Figure 1);
- an ink pack (13) of flexible material storing ink (16) therein, the ink pack being housed within the outer shell (10, 19) (Figure 1);
- the case defined between the outer shell member (10, 19) and the ink pack (13) and adapted to receive the pressurized air (73) produced by the air pressurization pump when the ink cartridge is mounted to the recording apparatus (76) (Figure 1);
- wherein the cartridge case (10, 19) includes a first case (10) and a second case (19) which are served as covers (Figure 1).

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However, Barinaga does not disclose an ink cartridge comprising an ink pack press member which is housed in the cartridge case along with the ink pack and which adjusts the volume of ink to be filled into the ink pack in accordance with the volume of the press member; wherein the press member is formed from resilient material; wherein said press member is separate from said cartridge case; an edge of an opening of the first case is sealed by a film member; at least one lug-shaped member is formed on the second case; wherein a tapered surface and an engagement step section are formed on the lug-shaped member such that, when the second case is attached to the first case, a flange section formed on the edge of the first case is relatively guided by and along the tapered surface to engage with the engagement step section.

Nevertheless, Yoshizawa et al. disclose in Figures 1-4 an ink cartridge comprising:

- an ink pack press member (4a) which is housed in the cartridge case (3, 4) along with the ink pack (1) and which adjusts the volume of ink to be filled into the ink pack in accordance with the volume of the press member (4a) (Figures 1-2);
- wherein the press member (4a) is formed from resilient material (Figure 1).

Furthermore, Wilson et al. disclose in Figures 1-4 and 10 an ink cartridge for use in an ink jet recording apparatus comprising an ink pack press member (1134, 1136) which is housed in the cartridge case (1102) along with the ink pack (1112), wherein said press member (1134, 1136) is separate from said cartridge case (1102).

Additional, Nakazawa et al. disclose in Figures 1 and 3 an ink cartridge comprising:

- an edge of an opening (47) of the first case (40) is sealed by a film member (56);
- at least one lug-shaped member (55) is formed on the second case (50);

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- wherein a tapered surface (55) and an engagement step section are formed on the lug-shaped member such that, when the second case (50) is attached to the first case (40), a flange section (46) formed on the edge of the first case (40) is relatively guided by and along the tapered surface to engage with the engagement step section.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Yoshizawa et al, Wilson et al. and Nakazawa et al. in the Barinaga ink jet recording apparatus for the purpose of providing ribs or stiffener on a surface of an ink cartridge case to prevent the damage due to vibration or impact during transport.

Response to Applicant's Arguments

The applicant's arguments with respect to the prior art rejection have been carefully considered and have been traversed in view of the new grounds of rejection over Wilson et al reference (US Pat. 6,010,210).

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (703) 305-8194. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 5:30 P.M.. The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



ANH T.N. VO
PRIMARY EXAMINER

November 13, 2002